

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

August 5, 2015

A Regular Meeting of the Harlingen Elective Commission was held on August 5, 2015 at 5:30 p.m., City Hall, Town Hall Meeting Room, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell  
Mayor Pro-Tem Victor Leal, District 5  
Danny Castillo, Commissioner District 1  
Tudor Uhlhorn, Commissioner District 2  
Michael Mezmar, Commissioner District 3  
Ruben De La Rosa, Commissioner District 4

Staff Present

Dan Serna, Assistant City Manager  
Amanda C. Elizondo, City Secretary  
Richard Bilbie, City Attorney

Mayor Boswell called the meeting to order and stated the meeting had been duly posted according to State Law. The following proceedings were held.

Invocation/Commissioner Tudor Uhlhorn

Commissioner Uhlhorn gave the invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance.

1) Approval of Minutes

a) Regular Meeting of July 1, 2015

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve the minutes as presented. Motion carried unanimously.

CONSENT AGENDA

- 2a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a fire station in a Not Designated ("N") District located at the southwest corner of Brennaman Road and Stuart Place Road, bearing a legal description of 6.09 acres out of Block 4, Stuart Place, a Resubdivision of the South Part of Section 137 and the North Part of Section 297. Applicant: City of Harlingen.
- b) Second and final reading to approve and adopt an ordinance to rezone from Multi-Family Residential ("M-2") District to Office ("O") District for the West Part of Block 8, Brown Subdivision 128, Unit 3, Palm Vista Estates located at 605 E. Carrol Avenue. Applicant: Juan Vargas.
- c) Second and final reading to approve and adopt an ordinance to rezone from a residential, Single Family ("R-1") District to a General Retail ("GR") District for Lots 7-9, Block 3, Benoist Subdivision and Lots 11-16, Block 1, RW Nelson Amended Subdivision located on 800 Block of Hanson Street. Applicant: Cody Witzel.
- d) Consider and take action to approve refunds of property taxes to Ramon C. Perez Et Al, Acct. #18-0130-0010-0020-00 for \$833.52 and Ramon C. Perez Et Al, Acct. #18-0130-0010-0010-00 for \$566.33 due to a protest being settled after certification for Year 2014 totaling \$1,465.85.

- e) Consider and take action to adopt a resolution authorizing the Mayor on behalf of the City of Harlingen to approve the submission of the Edward Byrne Memorial Justice Assistance Grant Application to the Criminal Justice Division Governor's Office to secure funding for mapping software and training.
- f) Consider and take action to authorize the Mayor on behalf of the City of Harlingen Police Department to sign the Texas Department of Transportation (TXDOT) Selective Traffic Enforcement Program (S.T.E.P.) Comprehensive Grant for Fiscal Year 2016.
- g) Consider and take action to approve a request from Ms. Ida Vargas Stillman who resides at 605 East Carrol Avenue to close East Carrol Avenue between 5<sup>th</sup> and 7<sup>th</sup> Street on Saturday, August 8, 2015 from 4:00 p.m. to 8:00 p.m. for a birthday party celebration.
- h) Consider and take action to authorize the use of GovDeals.com as an online auction services; provision and alternative way to dispose abandoned, awarded, forfeited and city-owned property no longer utilized or needed by the Harlingen Police Department.
- i) Consider and take action to approve an Inter-Local Cooperation Agreement with Cameron County and the Cities of Los Fresnos, South Padre Island, Port Isabel, Rancho Viejo and San Benito to reduce criminal activity and the treats of incursions along the southmost Texas Border through the use of grant funding made available to the County of Cameron through the State of Texas Governor's Division of Emergency Management and the Texas Department of Public Safety – Operation Stonegarden - FY2014 Grant and authorize the Mayor to sign the Inter-local Cooperation Agreement.
- j) Consider and take action to approve a Lease Agreement between the Harlingen Area Chamber of Commerce and the Harlingen Convention and Visitors Bureau for lease of office space and authorize the City Manager to sign the lease agreement.
- k) Consider and take action to authorize the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TxDot) for maintenance of the landscaped area along the US 77/83 Interchange, Expressway 77 and Spur 54.
- l) Consider and take action to approve a request from Elena Degges, dba, Harlingen Child Development Center to sub-let the city owned buildings located at 701 E. Madison and 104 E. Taylor to Nancy Ponce, dba, Alphabet Playhouse Child Development Center and continue utilizing both buildings for the purpose of providing child care to the community under the terms of the current lease agreement and authorize the City Manager to execute any and all related documents.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner De La Rosa to approve the items under the consent agenda. Motion carried unanimously.

For the record, the caption of the ordinances reads as follows:

ORDINANCE NO. 15-22

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO THE CITY OF HARLINGEN TO ALLOW A FIRE STATION IN A NOT DESIGNATED ("N") DISTRICT LOCATED AT THE SOUTHWEST CORNER OF BRENNAMAN ROAD AND STUART PLACE ROAD, BEARING A LEGAL DESCRIPTION OF 6.09 ACRES OUT OF BLOCK 4, STUART PLACE, A RESUBDIVION OF THE SOUTH PART OF SECTION 137 AND THE NORTH PART OF SECTION 297 SUBJECT TO: 1) PROVIDING AND MAINTAINING THE REQUIRED PARKING IN ACCORDANCE WITH CITY REGULATIONS; 2) PROVIDING AND MAINTAINING THE REQUIRED LANDSCAPING; AND 3) COMPLYING WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING AND ZONING, BUILDING INSPECTION, ENVIROMENTAL HEALTH, AND FIRE PREVENTION DEPARTMENTS, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

**ORDINANCE NO. 15-23**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING THE WEST PART OF BLOCK 8, BROWN SUBDIVISION 128, UNIT 3 PALM VISTA ESTATES, LOCATED AT 605 E. CARROL AVENUE, FROM A MULTI-FAMILY RESIDENTIAL (M-2) DISTRICT TO AN OFFICE (“O”) DISTRICT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.**

**ORDINANCE NO. 15-24**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN; REZONING LOTS 7-9 BLOCK 3, BENOIST SUBDIVISION; AND LOTS 11-16 BLOCK 1, RW NELSON AMENDED SUBDIVISION, LOCATED AT 800 BLOCK OF HANSON STREET FROM A RESIDENTIAL SINGLE FAMILY (R-1) DISTRICT TO A GENERAL RETAIL (GR) DISTRICT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.**

APPROVED AND PASSED on first reading this 15<sup>th</sup> day of July, 2015.  
APPROVED AND PASSED on second reading this 5<sup>th</sup> day of August, 2015

CITY OF HARLINGEN  
/s/Chris Boswell

ATTEST:  
/s/Amanda C. Elizondo, City Secretary

For the record, Commissioner Castillo filed a Conflict of Interest Form with Amanda C. Elizondo, City Secretary in regards to Item No. 3. He relinquished his chair and left the meeting room in order to avoid an appearance of impropriety.

- 3) Consider and take action to award the Employees Health & Group Insurance for Fiscal Year 2015-2016 as recommended by Scott Gibb’s, City Health Insurance Consultant.

Scott Gibb’s, Senior Vice President of McGriff, Seibels & Williams of Texas, Inc., gave a brief PowerPoint Presentation that included the Current Plan History; Overview of Process; Fully Insured Medical Analysis; Total Medical Cost Analysis; 2015-2016 potential Monthly Employee Contributions and Recommendations.

Mr. Gibbs recommended for the City to accept the healthcare proposal from Allegian (formerly Valley Baptist Health Plans).

Discussion was held in regards to the benefits received from Allegian verse what the City currently had with Blue Cross/Blue Shield Insurance; the different type of plans that were being offered from a low plan to a high plan; the savings that would be incurred by the City with the selection of the proposal offered by Allegian verses the savings from the proposal submitted by Blue Cross/Blue Shield; and the health network associated with Allegian.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner De la Rosa to accept the recommendation of Mr. Gibb’s for the City to accept the proposal from Allegian (Formerly Valley Baptist Health Plans) and not pass the cost of the 3% to the employees. Motion carried unanimously.

- 4) Consider and take action to award a Voluntary Dental Plan for the City of Harlingen employees for Fiscal Year 2015-2016 with possible yearly options and authorize the City Manager to negotiate and sign a contract.

Mr. Gibb’s briefly highlighted the proposals from several insurance companies for the voluntary dental plan. He recommended the plan from Aetna Insurance.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to accept Mr. Gibb’s recommendation and award the Voluntary Dental Plan for City employees to Aetna Insurance Company. Motion carried unanimously.

Commissioner Castillo returns to the meeting

- 5) Consider and take action to approve by resolution the acceptance of an anticipated Federal Aviation Administration (FAA) Grant Offer No. 3-48-0101-057-2015 of approximately Four Million, Four Hundred Seventy Thousand, Four Hundred Twenty-Five Dollars and no/100s (\$4,470,425.00) for the following projects: Rehabilitate RWYs 17R and 31 Lighting Systems; Install an Instrument Approach Aid (MALSR) on RWY 31 Approach; Install TWY D Lighting System, Reconstruct the Perimeter Road; and install Thermo Plastic Hold Signs Throughout TWYs at Perimeter Road; and Install Thermo Plastic Hold Signs Throughout TWYs at Valley International Airport.

Marvin Esterly, Director of Valley International Airport stated these were great projects for the airport. It would improve the safety at the airport and create some savings to the airport. The grant was for a 90/10 federally funded project and the airport's match was allocated in this year's budget. He recommended approval of the resolution.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro Tem Leal to approve the resolution. Motion carried unanimously.

- 6) Presentation of a petition by Downtown Property Owners in accordance with Chapter 372 of the Texas Local Government Code to authorize a Public Improvement District.

Joel Olivo, Planning and Zoning Manager stated the downtown property owners submitted a petition requesting the authorization of a public improvement district. The Harlingen Downtown District was authorized in 1989 and since then has been allowed to redistrict every 5 years. The petition met the following provisions as required by state law. It contained the required percentage of signatures from the actual property owners which represents more than 50% of the total appraised value of the effective properties. Staff reviewed the petition and it represented 74.48% of appraised value; 82.62% of geographic area; and 84.62% of all property owners on record subject to assessment. The petition indicated the assessment at a rate of up to 0.15 per \$100 valuation. Staff recommended the following: 1) hearing the presentation; 2) An Annual assessment rate of 0.15 per \$100 valuation (maximum assessment capped at \$5,000/year; and 3) permission to present a resolution authorizing the District before a public hearing and consideration at the following meeting.

Cheryl LeBerge, Downtown District Director gave a slide presentation of the downtown district which included a brief history of the downtown area since the 1980's; strategies and improvements made to attract businesses to the area. The slide presentation also included an update on the buildings that have been recently renovated and were now open as new businesses. She highlighted the monthly events that took place in the downtown area throughout the year. The vision was to have a thriving and vibrant area with activities that would attract local citizens and visitors.

Mayor Boswell expressed his appreciation to Ms. LeBerge and the Downtown Improvement Advisory Board for keeping the downtown area alive and strong.

No action was taken.

- 7) Consider and take action to approve an ordinance on first reading for a Specific Use Permit ("SUP") to allow four storage buildings in a General Retail ("GR") District located at 1702 N. 77 Sunshine Strip and bearing a legal description of Part of Blocks 14 & 15, East City View Heights Subdivision. Applicant: Enrique Abundiz.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to remove the item from the table for further discussion. Motion carried unanimously.

Mr. Olivo stated the item was tabled at the last meeting to allow the applicant to be present to answer questions from the City Commission in regards to his request.

Enrique Abundiz, applicant stated the four containers would be to store tires, inventory and supplies as opposed to other tire shop owners in the community who stored tires outdoors. This would also alleviate some space in his tire shop and would keep the inventory away from

tire shop in case of a fire. It would eliminate mosquitoes and rodents and save money on the installation of a sprinkler system.

Mayor Pro-Tem Leal questioned if the containers would have any type of ventilation or suppressant system in case of an emergency or fire.

Mr. Abundiz responded the container doors would be open for ventilation.

Chief Roy Rubio stated keeping the container doors opened would be sufficient. The only concern would be storing equipment with flammable liquids.

Commissioner De La Rosa stated due to the location being in a main corridor, Mr. Abundiz could expand his business to the side of the building.

Mr. Abundiz responded it would be more cost effective if he did it in segments.

Discussion was held in regards to the location of the containers; appearance; the possibility of having another major tire shop requesting a specific use permit to place containers which was not allowable by city ordinance; and the possibility of the containers being graffiti targets.

Mr. Abundiz responded he would maintain a good appearance; would paint the containers white to avoid the possibility of being an eyesore to the community and to complement his business. He explained the placement of the containers and stated not all containers would be placed at the same time. Mr. Abundiz stated Wal-Mart has at least 20-30 containers visible on a major corridor off of Lincoln Street which was an eyesore.

Mayor Boswell stated he has spoken with Wal-Mart corporate officials about their containers. Some type of correlated policy regulating how the containers should be allowed on properties needed to be in place. He asked if the applicant would consider putting up privacy guards around the containers.

Mr. Abundiz responded the privacy guards would look worse. Maybe some type of hanging gardens to make them look attractive. He was aware of the graffiti, but that would not be an issue because his building has not been a target of graffiti.

Mayor Pro-Tem Leal suggested granting Mr. Abundiz the opportunity of the SUP and revisit the SUP in one year for further consideration.

Richard Bilbie read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to grant the SUP for four containers with the condition that one container be approved for placement and return to City for permission to install the other three containers and waive the SUP and approve the ordinance on first reading. Motion carried unanimously.

8) Consider and take action to approve an ordinance on first reading to revise the school zone times for Harlingen Schools which currently have designated school zones.

Javier Zamora, City Engineer stated The Harlingen Independent School District requested a revision to the existing school zone times. Currently the school zones on school days are Monday thru Friday between the hours of 7 a.m. to 9 a.m., 10:30 a.m. to 12 noon and 3 p.m. to 4 p.m. The revised school zone times for the elementary campuses would be Monday to Friday from 6:45 a.m. to 8:30 a.m., 1:45 p.m. to 2:20 p.m. and 4:30 p.m. The revised times for the secondary campuses would be from Monday – Friday, 6:45 p.m. to 8:30 p.m. and 3:15 p.m. to 4:30 p.m. Mr. Zamora recommended approval of the ordinance.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to approve the ordinance on first reading as presented. Motion carried unanimously.

9) Consider and take action to approve an ordinance on first reading amending the 2014-2015 City of Harlingen Fiscal Budget.

Elvia Trevino, Finance Director stated the budget amendment was to allocate funds for capital expenditures not included in the current approved budget; funds approved and budgeted for encumbrances; and project balances from Fiscal Year 2013-2014. These amendments would increase the revenues to \$69,543,401.00 and expenditures to \$74,186,005.00. Ms Trevino recommended approval of the budget amendment.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve the ordinance on first reading. Motion carried unanimously.

10) Consider and take action to propose a desired tax rate for Fiscal Year 2015-2016 and schedule two public hearings to be held on Friday, August 14<sup>th</sup> at 11:30 a.m. and Wednesday August 19<sup>th</sup> at 5:30 p.m.

Ms. Trevino stated the proposed tax rate of .588827 did not exceed the effective tax rate of .576411. The tax rate was the same rate for the past six years. This rate had been used to calculate property tax revenues for the proposed 2015-2016 budget. A one cent change in the tax rate would amount to \$290,854 in revenues. The City would be required to hold two public hearings and publish an ad in the newspaper before adopting a tax rate. The advertisement would appear in the newspaper notifying the public of the two hearings. Ms. Trevino recommended approval of the proposed tax rate and schedule the two public hearings for August 14<sup>th</sup> and 19<sup>th</sup>, 2015.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to approve the recommended proposed tax rate of .588827 and schedule the required two public hearings for August 14<sup>th</sup> and 19<sup>th</sup>, 2015. Motion carried unanimously.

11) Board Appointments

Mayor Pro-Tem Leal

Ernesto Flores – Zoning Board of Adjustment  
Roslyn Salmeron – Senior Citizens Advisory Board.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to approve the board appointments. Motion carried unanimously.

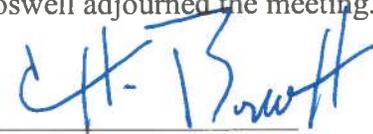
12) Citizens Communication

Yolanda Shoffiet, 285 Altas Palmas, spoke in regards to abuse of officials in high office.

Rosa Reyes, 423 W. Monroe, spoke in regards to the curfew ordinance for kids that were roaring the streets and neighborhoods late at night.

Joe Rubio, 2309 Hacienda Road felt Mr. Abundiz was treated unfair in his questioning for the specific use permit request. He felt special consideration was exercised in the case of Carlos Yerena, City Manager. This would be the one chance the City Commission would have to consider his employment with the city.

There being no further business to discuss, Mayor Boswell adjourned the meeting.

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary